

SENATE BILL NO. 495

BY SENATOR LONG

1 AN ACT

2 To amend and reenact R.S. 36:359(K) and (L) and 802.18, and R.S. 38:3076(A)(24),  
3 3087.136(4), 3087.266(A)(1), Chapter 13 A-1 of Title 38 (Heading), 3097.2(3),  
4 3097.4(A), (D)(4),(5), and (6), and 3097.7, and to enact R.S. 38:3097.4(D)(7),  
5 relative to the Ground Water Resources Commission; to change the name of the  
6 Ground Water Resources Commission; to provide for additional members to the  
7 commission; to provide for the powers and duties of the commission; to change the  
8 name of the Ground Water Management Advisory Task Force; to add members; to  
9 provide for the study of the surface waters of the state; and to provide for related  
10 matters.

11 Be it enacted by the Legislature of Louisiana:

12 Section 1. R.S. 36:359(K) and (L) and 802.18 are hereby amended and reenacted to  
13 read as follows:

14 §359. Transfer of agencies and functions to Department of Natural Resources

15 \* \* \*

16 K. The ~~Ground~~ Water Resources Commission as provided in R.S. 38:3097.1  
17 ~~through 3097.6 et seq.,~~ shall be placed within the office of conservation, Department  
18 of Natural Resources, and shall exercise its powers, duties, functions, and  
19 responsibilities as provided in R.S. 36:802.18.

20 L. The ~~Ground~~ Water Management Advisory Task Force shall be placed  
21 within the office of conservation, Department of Natural Resources, and shall  
22 perform its powers, duties, functions, and responsibilities in the manner provided by  
23 law.

24 \* \* \*

25 §802.18. Transfer; ~~Ground~~ Water Resources Commission

26 The ~~Ground~~ Water Resources Commission placed in the office of  
27 conservation, Department of Natural Resources, by R.S. 36:359(K) shall exercise

and carry out all powers, duties, functions, and responsibilities as provided by R.S. 36:802, except that the commission's powers, duties, functions, and responsibilities are in the nature of policymaking and adjudication. The commission shall continue to exercise all advising powers, duties, functions, and responsibilities provided by law.

Section 2. R.S. 38:3076(A)(24), 3087.136(4), 3087.266(A)(1), Chapter 13 A-1 of Title 38 (Heading), 3097.2(3), 3097.4(A), and (D)(4),(5) and (6), and 3097.7 are hereby amended and reenacted and R.S. 38:3097.4(D)(7) is hereby enacted to read as follows:

§3076. Powers of the board

A. The board shall work with the commissioner of conservation in his responsibilities to do all things necessary to prevent waste of groundwater resources, and to prevent or alleviate damaging or potentially damaging subsidence of the land surface caused by withdrawal of groundwater within the district. In conjunction with the commissioner of conservation, the board shall have authority to do, as required, the following:

\* \* \*

(24) To advise and consult with the commissioner of conservation and the ~~Ground~~ Water Resources Commission on matters that impact water resources within the board's jurisdiction.

\* \* \*

§3087.136. Powers of the board

The board shall conduct a study and survey of the groundwater resources in the district, including but not limited to consideration of what is necessary or advisable to conserve groundwater resources and where appropriate, prevent or alleviate damaging or potentially damaging drawdowns, land surface subsidence, and groundwater quality degradation. For this purpose, the board shall hold hearings and may:

\* \* \*

(4) Advise and consult with the commissioner of conservation and the ~~Ground~~ Water Resources Commission on matters that impact water resources within

the board's jurisdiction.

\* \* \*

§3087.266. Rules and regulations

A. In order to secure the best results for the operation and maintenance of the district and to prevent damage to the district by misuse of any works, improvements, or properties or by the pollution by solid or liquid substance or misuse of the waters of the district or any water body therein, the board of commissioners may make and enforce such rules and regulations as it shall deem necessary and advisable:

(1) To manage and control surface and groundwater levels in the district. Any rule or regulation promulgated by the district pertaining to the management and control of groundwater levels shall be subject to approval by the ~~Ground~~ Water Resources Commission.

\* \* \*

CHAPTER 13-A-1. ~~GROUND~~ WATER RESOURCES MANAGEMENT

\* \* \*

§3097.2. Definitions

Unless the context otherwise requires, the following terms shall have the following meanings for purposes of this Chapter:

\* \* \*

(3) "Commission" shall mean the ~~Ground~~ Water Resources Commission, established by R.S. 38:3097.4.

\* \* \*

§3097.4. ~~Ground~~ Water Resources Commission; membership; powers and responsibilities

A. The ~~Ground~~ Water Resources Commission is hereby created and shall be composed of the following members:

- (1) The governor or his designee.
- (2) The commissioner of conservation or his designee.
- (3) The commissioner of agriculture and forestry or his designee.
- (4) The secretary of the Department of Economic Development or his

1           designee.

2                   (5) The secretary of the Department of Environmental Quality or his  
3           designee.

4                   (6) The secretary of the Department of Health and Hospitals or his designee.

5                   (7) The secretary of the Department of Wildlife and Fisheries or his designee.

6                   (8) The secretary of the Department of Transportation and Development or  
7           his designee.

8                   (9) The director of the Governor's Office of Coastal Activities or his  
9           designee.

10                   **(10) The executive director of the Sabine River Authority or his designee.**

11                   **(11) The executive director of the Louisiana Public Service Commission**  
12           **or his designee.**

13                   ~~(1012)~~ One member appointed by the governor, who is a geologist or an  
14           engineer with expertise in ground water resource management.

15                   ~~(1113)~~ One member appointed by the governor from a list of four  
16           nominations submitted jointly by the Louisiana Chemical Association, the Louisiana  
17           Mid-Continent Oil & Gas Association, the Louisiana Association of Business and  
18           Industry, and the Louisiana Pulp & Paper Association.

19                   ~~(1214)~~ One member appointed by the governor from a list of three names  
20           nominated by the Louisiana Farm Bureau.

21                   ~~(1315)~~ One member appointed by the governor from a list of three  
22           nominations submitted by the Police Jury Association of Louisiana.

23                   ~~(1416)~~ One member appointed by the governor from a list of three  
24           nominations submitted by the Louisiana Municipal Association.

25                   ~~(1517)~~ One member appointed by the governor from a list of three  
26           nominations submitted by the Sparta Groundwater Conservation District Board of  
27           Commissioners.

28                   ~~(1618)~~ One member appointed by the governor from a list of three  
29           nominations submitted by the board of commissioners of the Capital Area  
30           Groundwater Conservation District.

1                   (~~17~~19) One member appointed by the governor who resides or works in the  
2                   geographical area of the state underlain by the Chicot aquifer.

3                   (~~18~~20) One member appointed by the governor from a list of three  
4                   nominations submitted by the Louisiana Landowners Association.

5                   (~~19~~21) One member appointed by the governor from a list of three names  
6                   submitted by the Louisiana Wildlife Federation, Coalition to Restore Coastal  
7                   Louisiana, and the League of Women Voters.

8                   (22) One member appointed by the governor from a list of three  
9                   nominations submitted by the Ports Association of Louisiana.

10                  (23) One member appointed by the governor from a list of three  
11                  nominations submitted by the Louisiana River Pilots' Association.

12                  (24) One member, who is a lawyer licensed to practice in Louisiana with  
13                  not less than five consecutive years in the practice of law in Louisiana and who  
14                  has legal expertise in water law, appointed by the governor from a list of four  
15                  names submitted by the chancellor of the Louisiana State University Law  
16                  Center, the dean of the Loyola University New Orleans College of Law, the  
17                  chancellor of the Southern University Law Center, and the dean of the Tulane  
18                  University Law School.

19                  (25) Two members, one appointed by the chairman of the House Natural  
20                  Resources and Environment Committee, and one appointed by the chairman of  
21                  the Senate Natural Resources Committee who does not represent commercial,  
22                  industrial or agricultural interests but who represents residential consumers.

23                  (26)(a) The chairman of the House Committee on Natural Resources and  
24                  Environment, or his designee, shall serve as an ex-officio non-voting member.

25                  (b) The chairman of the Senate Committee on Natural Resources, or his  
26                  designee, shall serve as an ex-officio non-voting member.

27                  (c) The chairmen shall not be counted as part of the total membership  
28                  of the commission for purposes of determining the number of members  
29                  necessary to constitute a quorum but, if present, they shall be counted as  
30                  members for purposes of establishing a quorum for the particular meeting.

\* \* \*

D. The commission shall have the authority to do the following:

\* \* \*

(4) Evaluate the state's surface water resources including current and projected demands, inventory the state's surface water supplies, identify technical research and previously developed information on surface water, identify potential future deficit areas, study alternatives to surface water use including treatment, transmission systems, and reclamation, and investigate incentives for conservation and the use of alternative technologies, including public education and conservation programs.

~~(4)~~(5) Review the contingency plan developed by the commissioner to respond to a ground water emergency.

~~(5)~~(6) ~~The commission may direct~~ **Direct** the commissioner to promulgate rules and regulations for the appointment or designation of up to five regional bodies based on the general location of major aquifer systems and water sources of the state and composed of local stakeholders who are representative of current users. Such bodies may gather data and provide local input to the commission and the commissioner.

~~(6)~~(7) At their discretion, attend all public meetings called by the commissioner pursuant to his power and duties in this Chapter.

\* \* \*

§3097.7. ~~Ground~~ Water Management Advisory Task Force

A. A comprehensive ~~ground~~ water management program must continue to be developed and implemented. To that end, there is hereby created a ~~Ground~~ Water Management Advisory Task Force with membership as follows:

(1) A person representing the office of the governor appointed by the governor.

(2) The president of the Louisiana Senate or his designee.

(3) The speaker of the Louisiana House of Representatives or his designee.

(4) The chair of the Senate Committee on Natural Resources or his designee.

1 (5) The chair of the Senate Committee on Environmental Quality or his  
2 designee.

3 (6) The chair of the House Committee on Natural Resources and  
4 Environment or his designee.

5 (7) The district engineer of the United States Army Corps of Engineers, New  
6 Orleans District, or his designee.

7 (8) The Louisiana State Conservationist, USDA Natural Resources  
8 Conservation Service or his designee.

9 (9) The chancellor of the Louisiana State University Agricultural Center or  
10 his designee.

11 (10) The executive director of the State Soil and Water Conservation  
12 Commission or his designee.

13 (11) The director of the United States Geological Survey, Louisiana Water  
14 Science Center or his designee.

15 (12) The director of the Louisiana Geological Survey or his designee.

16 (13) The executive director of the Louisiana Wildlife Federation or his  
17 designee.

18 (14) The president of the Louisiana Farm Bureau Federation or his designee.

19 (15) The president of the Louisiana Chemical Association or his designee.

20 (16) The executive director of the Coalition to Restore Coastal Louisiana or  
21 his designee.

22 (17) The president of the Louisiana Rice Growers Association or his  
23 designee.

24 (18) The executive director of Louisiana Mid-Continent Oil and Gas  
25 Association or his designee.

26 (19) The president of the Louisiana Cotton and Grain Association or his  
27 designee.

28 (20) One representative of the Capital Area Groundwater Conservation  
29 District.

30 (21) One representative of the Sparta Groundwater Conservation District.

(22) The executive director of the Louisiana Forestry Association or his designee.

(23) One representative of the Sabine River Authority.

(24) The president of the American Sugar Cane League or his designee.

(25) One representative of the Red River Compact Commission.

(26) The executive director of the Lake Pontchartrain Basin Foundation or his designee.

(27) The executive director of the Barataria-Terrebonne National Estuary Program or his designee.

(28) The president of the Louisiana Crawfish Farmers Association or his designee.

(29) The chairman of the Louisiana Pulp and Paper Association or his designee.

(30) A representative of the Louisiana Engineering Society who is a registered engineer with water resources management experience.

(31) A representative from Louisiana State University, Department of Geology and Geophysics.

(32) A representative from the University of Louisiana at Lafayette, Department of Geology.

(33) A representative of the Association of Electric Utilities.

(34) A representative of the League of Women Voters.

(35) A representative of the Citizens for a Clean Environment.

(36) A representative of the Louisiana Oil and Gas Association.

(37) A representative from the Louisiana State University at Shreveport, Red River Watershed Management Initiative.

(38) A representative of the New Orleans Sewerage and Water Board.

(39) One representative of the Louisiana Rural Water Association.

(40) The president of the Louisiana Soybean Association or his designee.

(41) The president of the Louisiana Cattlemen Association or his designee.

(42) A representative of the Louisiana Ground Water Association.



1 (43) The dean of the Southern University College of Agriculture, Family, and  
2 Consumer Science or his designee.

3 (44) A representative of the Irrigation Association.

4 **(45) A representative of the Louisiana Water Environment Association.**

5 B. The ~~Ground~~ Water Management Advisory Task Force shall assist the  
6 commissioner of conservation and the ~~Ground~~ Water Resource Commission in  
7 continuing to develop a statewide ~~ground~~ water resource management program.  
8 Such ~~ground~~ water management program shall include but not be limited to  
9 evaluation of the state's ground water resources including current and projected  
10 demands on the aquifers of the state; development of a water use conservation  
11 program; study of alternatives to ground water use, such as surface water to include  
12 treatment and transmission system, and reclaimed water; incentives for conservation;  
13 use of alternative technologies; and education and conservation programs. The plan  
14 should stress conservation as the primary mechanism for the protection of the state's  
15 ground water resources.

16 **C. The Water Management Advisory Task Force shall assist the Water**  
17 **Resources Commission in its duty to evaluate the state's surface water resources**  
18 **including current and projected demands, inventory the state's surface water**  
19 **supplies, identify technical research and previously developed information on**  
20 **the surface water, study water use conservation, identify potential future deficit**  
21 **areas, study alternatives to surface water use including treatment, transmission**  
22 **systems, and reclamation, and investigate incentives for conservation and the**  
23 **use of alternative technologies, including public education and conservation**  
24 **programs.**

25 ~~C.D.~~(1) Fifteen members of the task force shall constitute a quorum. A  
26 quorum being present, the favorable vote of at least ten members of the task force  
27 or a simple majority of the total membership present, whichever is greater, shall be  
28 required for the commission to take action on any matter.

29 (2) The task force shall meet at least once per year, or more frequently as  
30 necessary. The task force shall report to the commissioner and the commission

1                   periodically on the activities and progress of the task force on continuing to develop  
2                   the comprehensive ~~ground~~ water management program.

\_\_\_\_\_  
PRESIDENT OF THE SENATE

\_\_\_\_\_  
SPEAKER OF THE HOUSE OF REPRESENTATIVES

\_\_\_\_\_  
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_